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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,330	08/09/2000	Luis Eduardo Gutierrez-Sheris	Unisphere-13/2	5198

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EXAMINER

KARMIS, STEFANOS

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/635,330

Applicant(s)GUTIERREZ-SHERIS, LUIS
EDUARDO**Examiner**

Stefano Karmis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to Applicant's amendment filed on 06 July 2004.

Status of Claims

2. Claims 1-7 and 9-17 have been left as originally filed. Claim 8 is currently amended. Claims 18-29 are previously added. Claims 30-32 are newly added. Therefore, claims 1-32 are under prosecution in this application.

Summary of this Office Action

3. Applicants' amendment filed on 06 July 2004 have been fully considered, and discussed in the next section below or within the following rejection. Claims 1-32 are rejected as being unpatentable over the art cited below, and Applicants' request for allowance is respectfully denied.

Response to Applicants' Amendment

4. The Examiner acknowledges Applicant's arguments in the remarks with respect to the 35 U.S.C. § 103 in the office action mailed, 12 February 2004, and withdraws the rejection as stated in the previous office action. Any arguments with respect to the claims are considered moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (hereinafter Ito) U.S. Patent 6,039,250 in view of Davis et al. (hereinafter Davis) U.S. Patent 6,298,336

Regarding independent claims 1, 8, 14, 18 and 24, Ito teaches a system and method for transferring funds comprising, collecting a sum of money, via a money-transfer company, from a customer for transfer to a beneficiary (column 3, lines 44-62), providing a beneficiary with a unique device pick-up code (column 4, lines 43-56), presenting said unique device pick-up code to one of said distributors (column 5, lines 28-57), operating a money dispensing machine to collect the sum of money via said beneficiary using the activated one of money pick-up devices and corresponding personal code (column 5, lines 21-27 and Figure 8). Ito fails to teach that a new card is issued to the beneficiary and thus fails to teach activating one of said money pick-up devices and generating a corresponding personal code, via said distributor and said money-transfer company, giving the beneficiary an activated one of said money pick-up devices and a corresponding personal code; and operating one of said money dispensing machines to collect said sum of money via said beneficiary using said activated one of said money pick-up devices and said corresponding personal code. Davis teaches card activation at a point of distribution in which a customer purchases an activated smart card from a vending machine (column 14, lines 18-42). A corresponding personal code is generated via the distributor and money transfer company in response to payment of the card and the activated card along with code are given to the beneficiary (column 7, line 66 thru column 8, line 36). Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention, that the teachings of Ito could be modified to include the beneficiary obtaining a new card for transferred funds because it provides an efficient manner to allow a beneficiary to obtain funds, specifically if the beneficiary does not already have an existing smart card and would thus need a new card to

obtain the transferred money. This allows for a user of the Ito system to obtain an activated smart card with a unique pick-up code and to operate it in a money-dispensing machine.

Claims 2, 9, 25, 27 and 29, Ito teaches transmitting a unique device pick-up code from the distributor to the money transfer company, and transmitting the personal code from the money-transfer company to the distributor (column 5, lines 28-57).

Claims 3 and 10, Ito teaches sending unique device identification during the transmitting of the unique device pick-up code (column 5, lines 28-57).

Claims 4 and 11, Davis teaches distributor identification is sent to the processing center (column 5, lines 28-57).

Claims 5, 12 and 15, Ito teaches that the step of transmitting the unique device pick-up code includes transmitting signals from the distributor to the processing center via a telephone network and the step of transmitting the distributor identification includes transmitting a number identification to the processing center (column 16, lines 11-32).

Claims 6, 13 and 16, Ito fails to teach activating the card requires that the number identification be matched prior to transmitting the PIN from the processing center back to the customer. Davis teaches activating the card requires that the number identification be matched

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prior to transmitting the PIN from the processing center back to the customer (column 15, lines 4-42).

Claims 7 and 17, Ito fails to specify that the input/output devices are ATM machines. Davis teaches that the money dispensing machines are ATM machines and providing the recipient with a money pick-up device provides the recipient with an ATM card having a magnetic stripe and personal identification number (column 3, lines 25-45).

Claims 19, 20 and 26, Ito teaches identifying the beneficiary by the customer and requires a fund pick up number that is provided by the customer (column 5, lines 28-40).

Claim 21, Davis teaches providing the recipient with a PIN after receipt of the fund pickup number by the distributor and the dispensing money step is carried out only upon receipt by the money dispensing machine of the personal code (column 15, lines 17-42).

Claim 22, Davis teaches supplying the activated card to the recipient (column 14, lines 18-42).

Claim 23, Ito teaches that the fund pickup number may be communicated between a recipient and a network of agents or distributors (column 5, lines 21-57 and Figure 8).

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Claim 28, Davis teaches supplying the activated money pick-up device to the beneficiary (column 14, lines 18-42).

Claims 30-32, Davis teaches the step of activating one of said money pick-up devices includes the step of the distributor selecting a money pick-up device from an inventory of money-pick up devices, and activating the money pick-up devices selected from the inventory (column 5, lines 34-48).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (703) 305-8130. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted
Stefano Karmis
27 September 2004



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600